

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:**

Saint Paul District

**FILE NUMBER: 2004-159925**

**REGULATORY PROJECT MANAGER: Yvonne Berner**

**Date:**

**PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y)**

**Date:**

**11/15/04**

**At the project site (Y/N)**

**PROJECT LOCATION INFORMATION:**

State: Minnesota

County: Sherburne

Center coordinates of site by latitude & longitude coordinates: Lat/Long 45.3926057133/-93.8416090827

Approximate size of site/property in acres Less than 10 acres

Name or waterway of watershed: Mississippi River

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.01								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

**Approved**

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

Wetlands were created as a result of gravel mining activities on the site in areas of historically upland crop fields.

There are no inlets or outlets observed around the periphery of the basin(s). The wetland consisted of steeply banked areas of 6 to 20-inch deep water surrounded by woods underlain by fill material/gravel pit dredged material.

There is no interstate commerce connection to this wetland basin. The following aerial photographs were reviewed Oct 1938, Oct 1953, May 1957, June 1963, Sep 1970, Apr 1977, Apr 1991, and June 2003. The pond appeared in the 1970 photo in which mining had begun until gradually becoming inactive. It appears that this wetland basin was unintentionally created during these mining activities on the property.

There is no water connection to this area. The adjacent uplands surrounding the wetland basin are cropped in wheat.